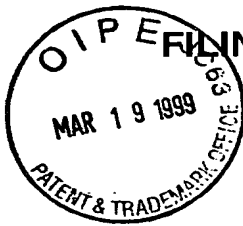


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)
For Design, Provisional, or Utility Applications

PATENT
APPLICATION

COMPLETION Under
Rule 53(f)

In re PATENT APPLICATION of

Inventor(s): FIRE et al.

Appln. No.: 09 | 215,257
Series Code \uparrow | Serial No. \uparrow

Filed: December 18, 1998

Title: Genetic Inhibition By Double-Stranded RNA

Attn: Application Division
Atty.Dkt. PMS 256628 | 256628
M# | Client Ref
(Our Deposit Account No. 03-3975)
(Our order No. 20263 | 256628
C# | M#

Date: March 19, 1999

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☐ Specification originally filed in non-English language; hence verified translation attached of:
a. ☐ Abstract
b. # pages of Specification (only spec. & claims)
c. ☐ Drawing Fig(s).
4. ☐ Letter filing formal drawing attached.
5. ☐ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

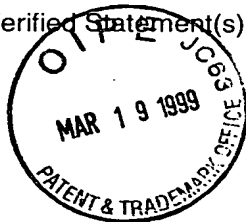
Application No.	Filing Date	Application No.	Filing Date
(1) 60/068,562	December 23, 1997	(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in
8.

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. _____ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ / filed on _____
10. ☒ Attached: 2 (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27.
11. ☐ Attached:
12. ☐ Preliminary Amendment:



THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Code
13. Basic Filing Fee				Design Application	\$310/\$155	106/26
				Not Design Application	\$760/\$380	101/201
14. Total Effective Claims	39	minus 20 =	19	x \$18/\$9	+171	103/203
15. Independent Claims	4	minus 3 =	1	x \$78/\$39	+39	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$260/\$130	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+65	105/205
18.				FILING FEE ENCLOSED =		\$655
19. <u>Original due date:</u> March 13, 1999						
20. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is attached				(1 mo)	\$110/\$55 =	+55
				(2mos)	\$380/\$190 =	115/215
				(3mos)	\$870/\$435 =	116/216
				(4mos)	\$1360/\$680 =	117/217
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee				\$130	+	118/218
22. If "assignment" box 5 is X'd, add recording fee.				\$40	+	139
23. Petition Fee for				\$130	+	581
24.				TOTAL FEE ENCLOSED =		\$710

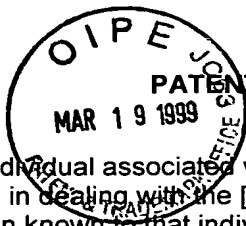
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

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Atty/Sec: PNK/kep

Pillsbury Madison & Sutro LLP
Intellectual Property Group
By: Atty: Paul N. Kokulis
for
Sig: *Isang Tanigawa*
Reg No 43, 180

Reg. No. 16773
Fax: (202) 822-0944
Tel: (202) 861-3503

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments



Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE

- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person

* Six months for Design Applications (35 U.S.C. 172).